

### **Use of Eminent Domain in Montana: Who has the authority?**

The authority to use the power of eminent domain rests with the state, with state being all levels of government. The right of eminent domain may be exercised in the manner provided in Title 70, Chapter 30, MCA. In Montana, this authority has been delegated to various entities. The rules of eminent domain apply no matter which entity is exercising the right. Below is a list of those entities that are mentioned specifically in the code as being able to exercise the power of eminent domain and the statute that gives them this power. Many of these have specific situations and/or conditions under which they can exercise eminent domain and are mentioned in numerous sections, which apply to the public use being addressed. Please check the referenced statute to ensure understanding of their authority.

<b><u>Entity</u></b>	<b><u>MCA Section</u></b>
Cities and towns	7-5-4106; 7-13-4404; 7-13-4406; 7-14-4501; 7-14-4622; 7-14-4801; 7-16-4106; 67-2-301; 67-5-202; 67-6-301; 67-10-102; 76-5-1108
Municipalities	7-1-4124; 7-15-4258; 7-15-4259; 67-6-301; 67-10-201
Counties	7-14-2123; 7-14-2621; 7-14-2803; 7-14-2804; 7-14-2829; 7-16-2105; 7-35-2201; 67-6-301; 67-10-102; 76-5-1108
County Water and Sewer Districts	7-13-2218
Consolidated Local Government Water Supply and Sewer Districts	7-13-3041
Irrigation Districts	85-7-1904
Conservancy Districts	85-9-410
Highway Authorities	7-14-101;60-5-104
Railroad Authorities	7-14-1625
Municipal Housing Authorities	7-15-4460; 7-15-4461; 7-15-4462
Airport Authorities	67-11-201
Regional Water and Wastewater Authorities	75-6-313
Parking Commission	7-14-4622
Joint Airport Board	67-10-205

<b><u>Entity</u></b>	<b><u>MCA Section</u></b>
Adjoining States	67-11-401
Public Utilities and Carriers	69-13-104
Rural Cooperative Utilities	35-18-106
Natural Gas Public Utilities	82-10-303
Mining Companies	82-2-221
Railroad Corporations from Other States	69-14-513; 69-14-536
Montana Railroad Corporations	69-14-552
Cemetery Associations	35-20-104
Department of Fish, Wildlife, and Parks	87-1-209; 23-1-102
Department of Health and Human Services	53-2-201
Department of Transportation	60-4-104; 60-4-111; 67-2-301; 67-6-301; 75-15-123; 75-15-223
Department of Environmental Quality	75-10-720; 82-4-239; 82-4-371; 82-4-445
Department of Natural Resources and Conservation	85-1-209; 85-1-204
Board of Land Commissioners	76-12-108